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July 14, 2010

**VIA OVERNIGHT MAIL**

Mr. Peter Magolske  
U.S. Environmental Protection Agency  
Office of Compliance and Enforcement, M/S OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Mr. Brian Monson  
Idaho Department of Environmental Quality  
1410 North Hilton Street  
Boise, ID 83706



Re: Quarterly Progress Report—Response to Paragraph No. 72  
Administrative Order on Consent for Nu-West CPO Facility  
Docket No. RCRA-10-2009-0186

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

By letter dated June 9, 2010, the U.S. Environmental Protection Agency (“EPA”) provided to Nu-West its comments to the May 6, 2010 Sampling and Analysis Work Plan for Site Characterization (“Work Plan”) prepared by WSP Environment and Energy (“WSP”) and requested that Nu-West incorporate EPA’s comments into a revised Work Plan within 14 days of its receipt of such letter. In accordance with Paragraph 69 of the Consent Order, during its conference call with EPA on June 16, 2010, Nu-West requested an additional five (5) days from its receipt of EPA’s June 9 letter to incorporate the agency’s comments therein and submit a revised Work Plan.



Mr. Peter Magolske  
Mr. Brian Monson  
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By letter dated June 17, 2010, EPA approved Nu-West's request for an extension. By letter dated July 2, 2010, EPA approved the June 29, 2010 Work Plan. No other activities related to the Consent Order have been carried out during this time period.

In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as an attachment to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael S. Burton".

for P. Scott Burton

Enclosure

cc: James Cagle, Nu-West

Attachment

### CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:  \_\_\_\_\_

Name: Erik Vettergren

Title: CPO Plant Manager

Date: 7.14.10